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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,457	05/25/2001	Hiroshi Tanaka	Q64695	3821

7590 04/23/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3202

EXAMINER
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CHANNAVAJJALA, SRIRAMA T

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 04/23/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/864,457

Applicant(s)

TANAKA ET AL.

Examiner

Srirama Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Examiner acknowledges applicant's amendment filed on 4/6/2004, paper no.5.
2. Claims 1-2,4 have been amended, paper no. # 5.
3. Claims 7-9 have been added, paper no. # 5.

### ***Drawings***

4. The drawings filed on 5/25/2001 are approved by the Draftsperson under 37 CFR 1.84 or 1.152.

### ***Priority***

5. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application [SI.No.# 2000-156603] filed in Japan on 5/26/2000

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-6 rejected under 35 U.S.C. 102(a) as being anticipated by Coli et al., [hereafter Coli], US Patent No. 6018713.

7. As to Claims 1-2, 4, Coli teaches a system which including 'a service supply method, in which a customer receiving services and at least one of a plurality of suppliers capable of supplying a service desired by the customer are linked, and supply of said desired service from said supplier to said customer is enabled' [see fig 2, col 9, line 4-22], Coli is directed to integrated system for ordering and cumulative results reporting of medical tests, more specifically, various service providers are connected through network for providing required services to the customer or users or patient as detailed in fig 2, plurality of suppliers capable of supplying a service desired by the customer is corresponds to hospital, lab/subspecialty site, physician office, MCO/INDEMNITY insurer because these listed specifically provides various required services to the customers or patient(s), further these plurality of suppliers are connected to customer or patient through network that corresponds to customers are linked to various service suppliers; 'acquiring supplier information concerning at least a time when each of said suppliers can supply said service via network' [fig 2-3, col 7,

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line 55-59, col 10, line 43-61, col 13, line 1-9, line 21-29], acquiring supplier information corresponds to user selecting specific physician's services, selecting lab options and selecting lab for tests based on selected diagnosis as detailed in fig 3, further it is noted that these service suppliers or service providers are integral part of Coli's teaching because Coli specifically teaches for selecting various service suppliers by the customers or patient or users as detailed above, network corresponds to fig 2, element 212, 'acquiring customer information concerning said service desired by the said customer'[col 5, line 4-10], acquiring customer information corresponds to patient database because each patient is identified by specific patient ID as detailed in fig 13, element 1306; 'allowing the customer who desires the supply of said desired service and the supplier capable of supplying the desired service to correspond with each other based on a said supplier information and said acquired customer information' [col 11, line 9-26, line 61-64, col 13, line 13-29], allowing the customer who desires the supply of desired service corresponds to customer can select desired physician and enter information , further physician selects the required information for example select lab tests, this including supplier information, customer information and related information is being not only selected, but also communicating among various service providers as detailed in col 11, line 9-26, fig 5-6, 'storing the acquired supplier information in a database' [col 6, line 57-60, col 10, line 19-21, fig 2, elements 202,204,206,208], storing acquired supplier information in a database is integral part of Coli's teaching because Coli specifically teaches various service providers information and communicating on network as detailed in fig 2.[Claim 2].

8. As to Claim 3, 6, the limitation of this claim have been noted in the rejection above Claim 1-2,4. In addition, Coli disclosed 'service is a service associated with medical attention or a service associated with care' [Abstract, fig 5-11].

9. As to Claim 5, the limitation of this claim have been noted in the rejection above Claim 1-2,4. In addition, Coli disclosed 'a database for storing said supplier information' [col 6, line 57-60, col 10, line 19-21, fig 2, elements 202,204,206,208], storing acquired supplier information in a database is integral part of Coli's teaching because Coli specifically teaches various service providers information and communicating on network as detailed in fig 2

10. As to Claims 7-9, the limitation of this claim have been noted in the rejection above Claim 1-2,4. In addition Coil disclosed 'a quality of service that each of said suppliers can supply' [col 10, line 30-36], quality of service that each of said suppliers can supply corresponds to lab site, insurer and physician performing specific unique tasks based on patient's diagnosis; 'a location of each of said suppliers, and a fee constituting good value for the supply of said service [col 13, line 1-9, line 21-29, fig 2],

### ***Response to Arguments***

Applicant's arguments filed on 4/6/2004, Claims 1-9 have been fully considered but they are not persuasive. For examiner's response, see the discussion below:

a) At page 7-8, Claims 1-2,4 applicant argues, "Coli et al. fail to teach or suggest a step of acquiring a time when a supplier can supply a particular service as recited in claim 1.

As to the above argument, firstly Coil is directed to ordering and cumulative results reporting of medical tests, more specifically reporting medical tests includes a computer operated at hospital or physician office [see Abstract], secondly, Coil also teaches reporting results on real-time basis [see fig 2, element 220, col 10, line 43-52], thirdly, Coil also teaches supplying a particular services such as specific patient test results based on patient ID, test ID date of tests observations and like as detailed in col 7, line 55-59.

Therefore, Applicant's remarks are deemed not to be persuasive, and Claims 1-9 stand rejected under 35 USC § 102(a) as being clearly anticipated by Coli et al.

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**Conclusion**

**The prior art made of record**

a. US Patent No. 6018713

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

b. US Patent No. 6283761

c. US Patent No. 6256613

d. US Patent No. 6270456

e. US Patent No. 6385589

f. US Patent No. 6327658

g. US Patent No. 6003019

h. UK Patent No. 2368934A

i. OPIC 2183296

j. Kulkarni, VB, "A doctor on World Wide Web: a

biomedical wireless Internet application, Personal wireless communications, 2002

IEEE international conference December 2002, pp 182-186

k. US 2003/0163471A1



**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703) 308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/746-7238	<b>(After Final Communication)</b>
703/872-9306	<b>(Offical Communications)</b>
703/746-7240	<b>(For Status inquiries, draft communication)</b>

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

sc   
Patent Examiner.  
April 22, 2004